

REMARKS/ARGUMENTS

Claims 1 - 3, 5 - 11 and 13 - 21 are re-presented. Claims 4 and 12 have previously been cancelled.

Claims 1 – 3, 6 – 11, and 14 – 21 were rejected under 35 U.S.C. 103(a) as anticipated by Rodgers (U.S. Patent No. 3,244,443) in view of Smith (U.S. Patent No. 5,611,110). The independent claims 1 and 9 have previously been amended to include the limitation of adhesive attaching the plate not shown in Rodgers.

Examiner uses Smith to show the use of adhesive as an alternative to nails or screws. While it may be an alternative, the combination of Rodgers in view of Smith does not teach the use of adhesives in a way that allows an installer to locate a magnetic plate on a door. Rodgers teaches using adhesive to attach a door stop to a wall. In what Rodgers teaches, the door stop is already located by the hole in the wall that the stop fits into to thus, the combination of Smith in view of Rodgers does not teach the location advantage of applicant.

Claims 7 and 19 were rejected under 35 U.S.C. 103 as unpatentable over Rodgers. Rodgers fails to show a rectangular plate. The plate of Rodgers is circular and includes tangs 26. Examiner argues that changing the shape is considered within the level of one having ordinary skill as the change brings about no new or unobvious results. However, the goal of the current invention is to make a door stop that is as simple in structure as possible. The flat rectangular plate, as discussed and claimed, is as simple a plate as possible. The rectangular plate contributes to the overall result of an inexpensive to manufacture and easy to install door stop that requires a minimum of parts, a minimum of steps to manufacture, and a minimum of steps to install, requiring a minimum (none) of tools to install. Raw metal is usually supplied in rectangular flat sheets, thus a flat rectangular plate is the easiest to manufacture requiring a single cutoff as opposed to the plate of Rodgers that would require a multi-step blank, cut and form operation to form the complex plate shown by Rodgers. Thus, the shape contributes to the overall new and non-obvious results.

Examiner points out that the patentability of an article does not depend on the method of manufacture. This is true, but applicant is pointing out that the simple rectangular shape claimed, enabled by the use of adhesive as claimed, does have advantages beyond a mere design choice.

The adhesive again contributes to the overall result of a door stop that is easy to manufacture and install and that requires no tools to install. Rodgers and Smith and any combination of Rodgers and Smith is going to require tools to install.

The adhesive also gives the unexpected benefit that the plate is easy to locate on the door. Once the arm is screwed into the wall at any location, the door can be opened into the end and the plate simply stuck to the point where the arm hits the door making misalignment of the plate relating to the arm almost impossible. Alternately, the plate can be installed by magnetically attaching it to the arm and then swinging the door into the arm such that the adhesive will stick the plate in the correct spot on the door. Either way, the plate is easy to install with no tools and no measuring or marking required. The combination of Rodgers in view of Smith does not teach or suggest this installation advantage. Rodgers in view of Smith can be installed in misalignment unless carefully installed. All the prior art, including Rodgers and Smith, require marking and/or measuring during installation because of the number of pieces and because of the tools required for installation.

Claims 5 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rodgers in view of Smith and further in view of Troy (U.S. Patent No. 5,575,514).

Regarding claims 5 and 13, these claims call for a single screw at the end of the elongated arm. This makes it possible to mount the door stop without tools as the screw is integrally formed and axially aligned, as called out in claim 13. The device of Rodgers requires two screws thus leaving more marks in the structure and requiring additional parts and tools to install. The key to the improvements of the present invention is to make a door stop that is inexpensive

to manufacture, easy to install and to remove, and that requires a minimum of parts in manufacture and installation. The limitation of the single screw disposed on the end of the elongated arm and aligned with the elongated arm contributes to that overall result.

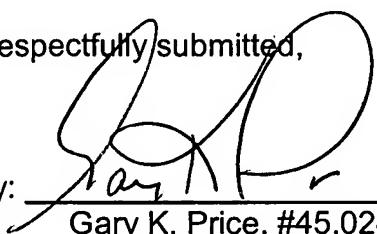
CONCLUSION

Based on the remarks above it is felt that claims 1 - 3, 5 - 11, and 13 - 21 are now in condition for allowance.

In the event the Examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number identified below.

Respectfully submitted,

by:


Gary K. Price, #45,024

BOWERS HARRISON, LLP
GARY K. PRICE, ESQ
25 N W RIVERSIDE DRIVE
PO BOX 1287
EVANSVILLE, IN 47706-1287
TELEPHONE: (812) 426-1231
FACSIMILE: (812) 464-367

M:\DOCS\PUBLIC\63070\MISC\325251.doc 11924.001